
Appendix II

Criminal Caseload Statistical Reports

Intellectual Property Cases United States Attorneys Office Fiscal Year 1997

The information in this package is provided pursuant to the statutory mandate in Title 18, United States Code, Section 2320(e) and Title 28, United States Code, Section 522.

Attached are statistics regarding Department of Justice prosecutions of intellectual property crimes. This information was provided by the Executive Office for United States Attorneys (EOUSA) which is charged with maintaining the criminal case information as reported by the U.S. Attorneys. The statistics contain the number of criminal intellectual property matters referred to the U.S. Attorneys as well as cases filed and terminated during fiscal year 1997. The EOUSA does not maintain statistics on the quantity or value of property seized or information on whether forfeited property has been destroyed. These statistics represent only the activities of the U.S. Attorneys and do not include federal criminal referrals which were immediately declined for prosecution by the U.S. Attorneys.

The following pages contain a summary of the available statistics, segregated by statutory provision, and preceded by a brief description of each offense. Also included is a summary of the grand totals and totals associated with matters and cases referred to the U.S. Attorneys by the U.S. Customs Service. Following those items, are a list of districts and their abbreviations, a glossary of terms, and the Criminal Caseload Statistical Reports. For further information, please contact the Computer Crime and Intellectual Property Section.

Criminal Intellectual Property Statutes surveyed:

- Title 18, United States Code, Section 2318 (18 U.S.C. §2318)—Trafficking in Counterfeit Labels for Phonorecords, and Copies of Motion Pictures or Other Audiovisual Works;
- Title 18, United States Code, Section 2319 (18 U.S.C. §2319)—Criminal Infringement of a Copyright;

- Title 18, United States Code, Section 2319A (18 U.S.C. §2319A)—Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances; and
- Title 18, United States Code, Section 2320 (18 U.S.C. §2320)—Trafficking in Counterfeit Goods or Services.

Title 18, United States Code, Section 2318 (18 U.S.C. §2318)—Trafficking in Counterfeit Labels for Phonorecords, and Copies of Motion Pictures or Other Audiovisual Works.

Offense: knowingly trafficking in a counterfeit label affixed or designed to be affixed to a phonorecord or a copy of a motion picture or other audiovisual work.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened	
by U.S. Attorneys:	25
Number of Defendants:	53
Number of Cases filed:	18
Number of Defendants:	38
Number of Cases Resolved/Terminated:	9
Number of Defendants:	20

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	16
Number of Defendants Who Were Tried	
and Found Guilty:	2
Number of Defendants Against Whom	
Charges Were Dismissed:	2
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	9
1 to 12 Months of Imprisonment:	4
13 to 24 Months:	1
25 to 36 Months:	0
37 to 60 Months:	3
61+ Months:	1

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Total Dollar Value of All Criminal Fines Imposed: \$22,750 (fines can be assessed in lieu of or in addition to prison sentences)

Title 18, United States Code, Section 2319 (18 U.S.C. §2319)—Criminal Infringement of a Copyright.

Offense: willful infringement of a copyright for purposes of commercial advantage or private financial gain. This provision was amended recently to include infringement through large-scale, unlawful reproduction or distribution of a protected work, regardless of whether there was a profit motive).

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened	
by U.S. Attorneys:	54
Number of Defendants:	96
Number of Cases filed:	16
Number of Defendants:	42
Number of Cases Resolved/Terminated:	9
Number of Defendants:	11

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	10
Number of Defendants Who Were Tried	
and Found Guilty:	0
Number of Defendants Against Whom	
Charges Were Dismissed:	1
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment (criminal fines figure	
unavailable):	9
1 to 12 Months of Imprisonment:	0
13 to 24 Months:	1
25 to 36 Months:	0
37 to 60 Months:	0
61+ Months:	0

Total Dollar Value of All Criminal Fines Imposed: \$15,050 (fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Title 18, United States Code, Section 2319A (18 U.S.C. §2319A)– Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances.

Offense: without the consent of the performer, knowingly and for purposes of commercial advantage or private financial gain, fixing the sounds or sounds and images of a live musical performance, reproducing copies of such a performance from an unauthorized fixation, transmitting the sounds or sounds and images to the public, or distributing, renting, selling, or trafficking (or attempting the preceding) in any copy of an unauthorized fixation.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters	
Opened by U.S. Attorneys:	6
Number of Defendants:	13
Number of Cases filed:	2
Number of Defendants:	9
Number of Cases Resolved/Terminated:	0
Number of Defendants:	1

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	1
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	0
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment (criminal fines figure unavailable):	1
1 to 12 Months of Imprisonment:	0
13 to 24 Months:	0
25 to 36 Months:	0
37 to 60 Months:	0
61+ Months:	0

Total Dollar Value of All Criminal Fines Imposed: \$0
(fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Title 18, United States Code, Section 2320 (18 U.S.C. §2320)–Trafficking in Counterfeit Goods or Services.

Offense: intentionally trafficking or attempting to traffic in goods or services and knowingly using a counterfeit mark on or in connection with such goods or services.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened by U.S. Attorneys:	141
Number of Defendants:	222
Number of Cases filed:	81
Number of Defendants:	127
Number of Cases Resolved/Terminated:	70
Number of Defendants:	99

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	67
Number of Defendants Who Were Tried and Found Guilty:	6
Number of Defendants Against Whom Charges Were Dismissed:	21
Number of Defendants Acquitted:	2
Other Terminations:	3

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	48
1 to 12 Months of Imprisonment:	11
13 to 24 Months:	6
25 to 36 Months:	3
37 to 60 Months:	4
61+ Months:	1

Total Dollar Value of All Criminal Fines Imposed: \$4,956,550
(fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Fiscal Year 1997—TOTALS

All Districts - All Statutes

18 U.S.C. 2318, 2319, 2319A, and 2320

Referrals and Cases:

Number of Investigative Matters Opened by U.S. Attorneys:	211
Number of Defendants:	349
Number of Cases filed:	100
Number of Defendants:	175
Number of Cases Resolved/Terminated:	83
Number of Defendants:	121

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	87
Number of Defendants Who Were Tried and Found Guilty:	8
Number of Defendants Against Whom Charges Were Dismissed:	22
Number of Defendants Acquitted:	2
Other Terminations:	3

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	60
1 to 12 Months of Imprisonment:	15
13 to 24 Months:	8
25 to 36 Months:	3
37 to 60 Months:	7
1+ Months:	2

Total Dollar Value of All Criminal Fines Imposed: \$4,986,350
(fines can be assessed in lieu of or in addition to prison sentences)

Note: These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Statistics on Matters/Cases Originating with the United States Customs Service

Fiscal Year 1997

The results summarized on the preceding pages reflect the totals, including U.S. Customs matters, for each of the criminal intellectual property statutory provisions. The following reflect the total of all matters and cases referred by Customs to U.S. Attorneys under all four statutory provisions - 18 U.S.C. 2318, 2319, 2319A, and 2320:

Number of Investigative Matters Referred by U.S. Customs Service:	90
Number of Defendants:	155
Number of Customs Matters Pending Resolution:	92
Number of Defendants:	142
Number of Customs Matters Terminated:	30
Number of Defendants:	47
Number of Cases Originating with U.S. Customs Service:	35
Number of Defendants:	70
Number of Customs Cases Pending Resolution:	59
Number of Defendants:	109
Number of U.S. Customs Service Cases Resolved/Terminated:	32
Number of Defendants:	50

Note: These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

U.S. Department of Justice

Districts

Name	Abbreviation
Alabama, Middle	ALM
Alabama, Northern	ALN
Alabama, Southern	ALS
Alaska	AK
Arizona	AZ
Arkansas, Eastern	ARE
Arkansas, Western	ARW
California, Central	CAC
California, Eastern	CAE
California, Northern	CAN
California, Southern	CAS
Colorado	CO
Connecticut	CT
Delaware	DE
District of Columbia	DC
Florida, Middle	FLM
Florida, Northern	FLN
Florida, Southern	FLS
Georgia, Middle	GAM
Georgia, Northern	GAN
Georgia, Southern	GAS
Guam	GU
Hawaii	HI
Idaho	ID
Illinois, Central	ILC
Illinois, Northern	ILN
Illinois, Southern	ILS
Indiana, Northern	INN
Indiana, Southern	INS
Iowa, Northern	IAN
Iowa, Southern	IAS
Kansas	KS
Kentucky, Eastern	KYE
Kentucky, Western	KYW
Louisiana, Eastern	LAE
Louisiana, Middle	LAM
Louisiana, Western	LAW

Name	Abbreviation
Maine	ME
Maryland	MD
Massachusetts	MA
Michigan, Eastern	MIE
Michigan, Western	MIW
Minnesota	MN
Mississippi, Northern	MSN
Mississippi, Southern	MSS
Missouri, Eastern	MOE
Missouri, Western	MOW
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York, Eastern	NYE
New York, Northern	NYN
New York, Southern	NYS
New York, Western	NYW
North Carolina, Eastern	NCE
North Carolina, Middle	NCM
North Carolina, Western	NCW
North Dakota	ND
Ohio, Northern	OHN
Ohio, Southern	OHS
Oklahoma, Eastern	OKE
Oklahoma, Northern	OKN
Oklahoma, Western	OKW
Oregon	OR
Pennsylvania, Eastern	PAE
Pennsylvania, Middle	PAM
Pennsylvania, Western	PAW
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee, Eastern	TNE
Tennessee, Middle	TNM
Tennessee, Western	TNW
Texas, Eastern	TXE